

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

DONALD TRUMP,

Appellee,

v.

No: 22-13410-J

HILLARY CLINTON, et al.,

Appellant.

ALINA HABBA, et al.,

Appellants,

v.

No: 22-14099-J

CHARLES DOLAN, JR.,

Appellee.

MOTION FOR CONSOLIDATION OF APPEALS

Donald Trump v. Hillary Clinton, et al., No. 22-13410-J
Alina Habba, et al. v. Charles Dolan, Jr., No. 22-14099-J

**APPELLANTS' CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

Appellants Donald J. Trump, Alina Habba, Michael T. Madaio, Habba Madaio & Associates, Peter Ticktin, Jamie Alan Sasson, and The Ticktin Law Group include this Certificate of Interested Persons and Corporate Disclosure Statement, listing the parties and entities interested in this appeal, as required by 11th Cir. R. 26.1. Appellants certify that this is a complete list.

ABC Corporations

Aytch, Enjolique Dion

Barry, Stephen

Barzee, William R.

Berkowitz, Sean M.

Berman, Joshua Adam

Binnall, Jesse R.

Bosworth, Michael S.

Brozinsky, Noah

Ceresney, Andrew J.

Clattenburg, Rachel

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Alina Habba, et al. v. Charles Dolan, Jr., No. 22-14099-J

Clinesmith, Kevin

Clinton, Hillary R.

Comey, James

Crenny, Kevin P.

Crowley, Shawn Geovjian

Danchenko, Igor

Democratic National Committee

DNC Services Corporation

Does' John

Dolan, Jr., Charles Halliday

Doumar, George R.A.

Eisen, Allison

Elias, Marc

Epps, Alexandra N.

Erickson-Pogorzelski, Anthony

Fassbender, Diana Marie

Feldman, Maximillian

Fels, Adam Seth

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Alina Habba, et al. v. Charles Dolan, Jr., No. 22-14099-J

Fritsch, Peter

Fusion GPS

Garcez, Isabela M.

Garza, Kathryn E.

Gillenwater, James E.

Gonzalez, Juan Antonio

Greenberg, Gerald Edward

Habba, Alina

Habba Madaio & Associates

Harrington, Howard J.

Hart, Nancy

HFAAC, Inc.

Houlihan, Michael F.

Hunt, Patrick, Honorable

Joffe, Rodney

Kaplan, Roberta A.

Kastrenakes, Eleni Sevasti

Kendall, David Evan

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Alina Habba, et al. v. Charles Dolan, Jr., No. 22-14099-J

Kiyonaga, Paul Y.

Klauber, Debra

Letter, Douglas

Levine, Jonathan Edward

Levy, Joshua

Lipshultz, Zachary Andrew

Madaio, Michael T.

Markus, David Oscar

Martinez, Roberto

McCabe, Andrew

McCarthy, John

McNichols, John Marcus

Meeks, Katherine Moran

Mestitz, Michael

Middlebrooks, Donald M. Honorable

Monsour, Jr. Franklin George

Mook, Robert E.

Muha, Christopher

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Neuman, Sarah E.

Neustar Security Services

Neustar, Inc.

Ohr, Bruce

Ohr, Nellie

Olmedo-Rodriguez, Jennifer

Orbis Business Intelligence, Ltd.

Otterberg, April A.

Page, Lisa

Peacock, Benjamin

Perkins Coie, LLC.

Pettis, Eugene K.

Pinto, Paola

Pittard, William

Podesta, John

Reines, Phillip

Reilly, Wendy B.

Roberts, Jared Joseph

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Rosenstein, Rod

Sainvil, Akiesha Renee Gilcrist

Sasson, Jamie Alan

Schar, Reid J.

Schiff, Adam

Schultz, Deborah Wasserman

Sigler, Geoffrey M.

Simpson, Glenn

Soto, Edward

Southall, Samantha

Steele, Christopher

Stekloff, Brian L.

Strzok, Peter

Sullivan, Jake

Sussman, Michael

Terrell, Stephen R.

The Ticktin Law Group

Ticktin, Peter David

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Touhey, James G.

Trout, Robert P.

Trump, Donald J.

Turner, Katherine M.

Tyrrell, Steven

Warin, Francis Joseph

No publicly traded corporation or company has an interest in the outcome of this case or appeal.

**MOTION FOR CONSOLIDATION OF APPEALS
AND FOR A NEW BRIEFING SCHEDULE**

Appellants Donald J. Trump, Alina Habba, Michael T. Madaio, Habba Madaio & Associates, Peter Ticktin, Jamie Alan Sasson, and The Ticktin Law Group, by and through counsel, hereby move this Court to consolidate their respective appeals pursuant to Fed. R. App. P. 3(b), and to set a new briefing schedule to allow for Appellants to fully brief the arguments of a consolidated appeal. The clerk of this Court may consolidate these appeals pursuant to 11th Cir. R. 27-1(c)(4). In turn, a new briefing schedule is required for the consolidated appeal. Further, pursuant to 11th Cir. R. 31-1(b), when a motion to consolidate is pending, prior to the briefing due date of one of the appeals at issue, then briefing is due 40 days after the resolution of the motion. Thus, regardless of the Court's ruling on this motion, a new briefing schedule is needed.

On October 11, 2022, Appellant Donald J. Trump filed his notice of appeal of the District Court's order granting Appellee's motion to dismiss, now docketed at 22-13410. Subsequently, on December 9, 2022, Appellants Alina Habba, Michael T. Madaio, Habba Madaio & Associates, Peter Ticktin, Jamie Alan Sasson, and The Ticktin Law Group filed their notice of appeal of the District Court's order granting sanctions against them, now docketed at 22-14099. This motion is made on the grounds that the questions involved in both appeals are so related as to make

consolidation of the appeals advisable and that such consolidation will expedite the consideration of the appeals while also conserving judicial and legal resources.

The underlying issues in both appeals center on the viability of the legal claims in President Trump's Amended Complaint. In ordering sanctions, prompting the appeal docketed at 22-14099, the District Court held that sanctions were appropriate because the claims in President Trump's Amended Complaint had no reasonable chance of success, and there was not a reasonable argument to change existing law. Exhibit B at 9. The District Court then went on to say that each claim was frivolous and well-settled. *Id.* at 14. Similarly, if President Trump's appeal of the District Court's order granting the motion to dismiss, docketed at 22-13410, is overturned, then this will show that the claims were not frivolous, and sanctions were not warranted. *See generally* Exhibit A. Judicial economy would be best served by hearing this issue just once, as opposed to in multiple appeals, as the outcome of one issue that ultimately hinges on the outcome of the other.

The remaining issue in the sanctions appeal docketed at 22-14099 is alleged misstatements in the Amended Complaint. These legal and factual issues the sanctions order overlap the underlying issues decided in the dismissal order. To the extent the alleged errors are important to the legal outcome, they should be addressed contemporaneously with the legal issues in President Trump's appeal.

This motion is in the best interest of judicial economy and will expedite the consideration of both appeals. Accordingly, Appellants Donald J. Trump, Alina Habba, Michael T. Madaio, Habba Madaio & Associates, Peter Ticktin, Jamie Alan Sasson, and The Ticktin Law Group respectfully request that this Court grant their motion to consolidate the instant appeals. Appellants further request that this Court modify the current briefing schedule so that Appellants may properly brief the newly consolidated appeal and have sufficient time to file their briefs pending the resolution of this motion, according to 11th Cir. R. 31-1. Appellants conferred with Appellees' counsel regarding the relief sought in this motion. Mr. Dolan's counsel consent to the relief sought in this motion. No other parties' counsel has yet responded to the request to log an objection.

Dated: December 15, 2022

Respectfully, submitted

/s/ Jared J. Roberts

Jared J. Roberts

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Counsel for Donald J. Trump, Alina Habba, Michael T. Madaio, Habba Madaio & Associates, Peter Ticktin, Jamie Alan Sasson, and The Ticktin Law Group

CERTIFICATE OF COMPLIANCE

Undersigned counsel certifies that this document complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(a) because this document contains 615 words.

Undersigned counsel further certifies that this document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14 font size and Baskerville font.

Dated: December 15, 2022

Respectfully Submitted,

/s/ Jared J. Roberts
Jared J. Roberts

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2022, a copy of the foregoing was filed with the Clerk of the Court using the Court's CM/ECF system, which will send a copy to all counsel of record.

/s/ Jared J. Roberts
Jared J. Roberts